

## **REMARKS**

### **The Amendments**

Claim 1 is amended to incorporate the substance of claims 3, 5 and 22 therein. Claim 1 is further amended to address the new 35 U.S.C. §112 rejection by defining the claimed subject matter as a composition. The other claims are amended to reflect these changes. Support for the amendment to claims 5 and 6 is found at page 4, paragraph 0015.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### **The Rejection under 35 U.S.C. §112, second paragraph**

The rejection of claim 1-10 and 20-27 under 35 U.S.C. §112, second paragraph, is believed to be rendered moot by the above amendments. The term “pigment mixture,” which gave rise to the rejection, as been removed and replaced by “composition” to avoid any confusion with the fact that one of the components of the claim 1 composition is a cosmetic ingredient.

### **The Rejections based on Pfaff and Motitschke**

The obviousness-type double patenting rejection of claims 1-4, 7-10, 23-25 and 27 and the rejection under 35 U.S.C. §103 of claims 1-10, 20, 21 and 23-27 over Pfaff (U.S. Patent No. 6,517,628) in combination with Motitschke (U.S. Patent No. 6,060,071) are respectfully traversed. It is believed that the above amendments to claim 1 overcome the rejection. Claim 1

now incorporates the substance of previous claim 3, 5 and 22. The obviousness-type double patenting rejection was not applied against claims 5 or 22 and the 35 U.S.C. §103 rejection was not applied against claim 22. Thus, it would appear that the rejections are not applicable to claim 1 (upon which all other claims ultimately depend). Additionally, applicants submit that the references do not teach or suggest the feature of the claimed invention that the component A pigment is based on a thin glass flake with a layer thickness of  $\leq 1 \mu\text{m}$ . Although Pfaff has general teachings for its pigment base, there is no particular direction to such specific thin glass flakes.

Accordingly, the obviousness-type double patenting and 35 U.S.C. §103 rejections based on Pfaff in combination with Motitschke should be withdrawn.

#### **The Rejection under 35 U.S.C. §103 over Ambrosius in view of Motitschke**

The rejection of claims 1, 7, 10, 20-22 and 24-27 under 35 U.S.C. §103, as being obvious over Ambrosius (WO 03/006558) in combination with Motitschke (U.S. Patent No. 6,060,071), is respectfully traversed. It is believed the rejection is rendered moot by the above amendments. Claims 3 and 5 were not subject to this rejection and the substance of claims 3 and 5 is now incorporated into claim 1. Thus, the rejection should be withdrawn.

#### **The Rejection under 35 U.S.C. §103 over JP 2001-11340 in view of Motitschke**

The rejection of claims 1, 3, 9, 10, 20-22 and 24-27 under 35 U.S.C. §103, as being obvious over JP 2001-11340 in combination with Motitschke (U.S. Patent No. 6,060,071), is respectfully traversed. It is believed the rejection is rendered moot by the above amendments.

Claim 5 was not subject to this rejection and the substance of claim 5 is now incorporated into claim 1. Thus, the rejection should be withdrawn.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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